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Letter dated 31 July 2013 from the Ombudsperson to the President of the Security Council

I have the honour to submit herewith the sixth report of the Office of the Ombudsperson, pursuant to paragraph 18 (c) of annex II to Security Council resolution 2083 (2012), according to which the Ombudsperson shall submit biannual reports to the Council summarizing her activities. The report describes the activities of the Office of the Ombudsperson in the six months since the previous report was issued, covering the period from 1 February to 31 July 2013.

I would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Kimberly **Prost**
Ombudsperson

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Report of the Office of the Ombudsperson pursuant to Security Council resolution 2083 (2012)

I. Background

1. The present report provides an update on the activities undertaken by the Office of the Ombudsperson since the issuance of the fifth report of the Office (S/2013/71) on 31 January 2013.

II. Activities related to delisting cases

General

2. The primary activities of the Office of the Ombudsperson during the reporting period related to delisting requests submitted by individuals and entities.

Delisting cases

3. Thirteen new cases were submitted to the Office of the Ombudsperson during the reporting period, bringing the total number of delisting petitions submitted since the establishment of the Office to 49 as at 31 July 2013. All of the petitions were accepted and are currently at various stages of the process. Unless requested by the petitioner, all names remain confidential while under consideration and in the case of denial or withdrawal of a petition.

4. In total, 33 comprehensive reports have been submitted to the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities since the Office was established. During the reporting period, the Ombudsperson submitted six reports and appeared before the Committee on five occasions to present five cases.

5. Since the issuance of the fifth report, five individuals[1] have been delisted through the Ombudsperson process and one delisting request has been refused. In two additional cases, a separate Committee decision resulted in the delisting of two individuals[2] during an active Ombudsperson case. As a result, those two cases became moot.

6. Cumulatively, since the Office was established, 34 cases involving requests from an individual, an entity or a combination of both have been completed.[3] As a result of the consideration of these cases, 25 individuals and 24 entities have been delisted, 1 entity has been removed as an alias of a listed entity, two delisting requests have been refused and one petition has been withdrawn. A description of the status of all of the cases, as at 31 July 2013, is contained in the annex to the present report.

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[1] Suliman Hamd Suleiman Al-Buthe, Mamoun Darkazanli, Mohamed ben Mohamed ben Khalifa Abdelhedi, Abd al Hamid Sulaiman Muhammed al-Mujil and Muhammad 'Abdallah Salih Sughayr.

[2] Usama Muhammed Awad Bin Laden and Abdelghani Mzoudi.

[3] This figure includes the two above-mentioned individuals delisted by the Committee before the Ombudsperson process was completed.

7. All of the 13 requests submitted to the Office during the reporting period were made by individuals. Six of the 13 individuals are represented by counsel. In total, 42 of the 49 cases were brought forward by individuals, 2 by an individual together with one or more entities and 5 by entities alone. In 24 of the 49 cases, the petitioner is or was assisted by legal counsel.[4]

Gathering of information from States

8. In the 13 new cases, 68 requests for information have been sent so far, to 27 States. With respect to the six cases for which comprehensive reports were submitted to the Committee during the reporting period, only in one instance did a State from which information had been requested fail to respond. In addition, some Committee members replied with information in response to the general circulation of petitions. Importantly, in all six cases the designating States and States of residence all provided responses.

9. During the reporting period, the Ombudsperson met on two occasions with officials in capitals on specific cases to gather information directly.

Dialogue with the petitioner

10. During the six months under review, the Ombudsperson continued to communicate with petitioners during the dialogue phase of pending cases, including through e-mail exchanges, telephone discussions and, where possible, face-to-face interviews. During the reporting period, the Ombudsperson travelled to interview six petitioners in person.

Access to classified or confidential information

11. No new agreements or arrangements for access to classified or confidential information were entered into during the reporting period. To date, there is one formal agreement with Austria and arrangements with Australia, Belgium, Costa Rica, France, Germany, Liechtenstein, the Netherlands, New Zealand, Portugal, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

12. Further progress on expanding the list, in particular to other States often involved in the Ombudsperson process, is urgently needed, as discussed below.

III. Summary of activities related to the development of the Office of the Ombudsperson

General

13. Activities to further develop and strengthen the Office of the Ombudsperson continued during the reporting period to the extent possible.

Outreach and publicizing of the Office

14. The Ombudsperson participated in some outreach activities but was once again constrained by limited time and resources.

[4] The reference in paragraph 6 of the fifth report indicating representation by counsel in 24 of the 36 cases at that time was an error. At that time, there was representation in 18 of the 36 cases.

15. On 3 April 2013, the Ombudsperson provided a briefing to Member States. On 9 April, she delivered a lecture at Columbia University on the work of the Office. On 17 April, she participated in a telebriefing on comparative terrorist delisting processes organized by the Charity and Security Network with the support of the Middle East Committee of the American Bar Association. On 17 May, the Ombudsperson gave a presentation entitled "United Nations sanctions, human rights and the Ombudsperson" at the Royal Institute of International Affairs in London. On 17 June, she participated in a panel discussion on the theme "Mainstreaming the ombudsperson procedure into other targeted sanctions regimes: Somalia/Eritrea as a possible case?", organized by Germany and Finland with the support of the Group of Like-Minded States on Targeted Sanctions.

Interaction with the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities and with the Monitoring Team

16. Since 31 January 2013, the Ombudsperson has appeared before the Committee on six occasions: on 16 April, in the case of Mohamed ben Mohamed ben Khalifa Abdelhedi (delisted; formerly QI.A.173.04.); on 30 April, in the case of Abd al Hamid Sulaiman Muhammed al-Mujil (delisted; formerly QI.A.225.06.); on 7 May, with respect to one individual[5] who was denied delisting; and, on 21 May, in the case of Muhammad 'Abdallah Salih Sughayr (delisted; formerly QI.S.235.07.). She also appeared before the Committee on 2 July in relation to the case of one entity and on 30 July with respect to one individual; both cases remain pending before the Committee. In addition, the Ombudsperson provided a number of written updates to the Committee in relation to various cases as they progressed through each phase.

17. During the reporting period, the Ombudsperson and staff in her Office continued to meet, communicate and engage regularly with the Coordinator and members of the Monitoring Team. The Team has provided considerable operational support and relevant information in several cases in accordance with paragraph 3 of annex II to Security Council resolution 2083 (2012).

Liaison with States, intergovernmental organizations, United Nations bodies and non-governmental organizations

18. The Ombudsperson continued to interact with States during the reporting period, placing particular emphasis on States of relevance to the pending delisting petitions. The Ombudsperson also met on various occasions with counter-terrorism and sanctions experts from various States to discuss general issues. She continued to have periodic discussions with the informal Group of Like-Minded States on Targeted Sanctions[6] and with representatives of the European Union. In addition to engaging in case-related travel, the Ombudsperson met with the officials of some States in the relevant capitals for discussions.

19. The Ombudsperson has maintained contact with representatives of the Counter-Terrorism Implementation Task Force and the Counter-Terrorism

[5] In cases where the request for delisting is denied, the name of the petitioner is not released unless authorization is specifically given.

[6] Comprising Austria, Belgium, Costa Rica, Denmark, Germany, Finland, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland.

Committee Executive Directorate, as well as with the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime.

20. During the reporting period, the Ombudsperson interacted with civil society and non-governmental organizations. To this end, she met with academics and representatives of relevant organizations, including Security Council Report.

Working methods and research

21. Casework, in particular that carried out during the reporting period, has involved extensive open-source research.

22. The Ombudsperson continued to follow developments with regard to relevant national and regional legal cases, including the opinion of the advocate general (19 March 2013) and the decision in *European Commission and others v. Kadi* (18 July 2013).[7] The Ombudsperson has also continued to follow relevant press articles and to review reports of non-governmental organizations and academic articles pertinent to the work of the Office. The Ombudsperson has discussed general legal issues of relevance with counsel in the Office of Legal Affairs.

Website

23. The website of the Office of the Ombudsperson (www.un.org/en/sc/ombudsperson) continues to be revised and updated.

IV. Other activities

Notifications of listing

24. In accordance with paragraph 16 (b) of annex II to Security Council resolution 1989 (2011) and paragraph 18 (b) of annex II to Council resolution 2083 (2012), when an individual or entity is added to the list and relevant States have been notified, the Ombudsperson is to send a notification directly to that individual or entity if there is a known address.

25. In the six months since the fifth report was issued, five entries have been added to the Al-Qaida sanctions list. Each of those listings was considered with reference to the question of notification. In all five cases, no address was available or the information provided was insufficiently detailed for there to be any reasonable prospect of the notification reaching the addressee.

Miscellaneous matters

26. The Ombudsperson received various requests for information about the Committee and about the Ombudsperson process and provided public material in response to the requests, as appropriate. This included assistance to States seeking information or clarifications, as well as requests made by non-governmental organizations, lawyers, individuals, the media and the public.

[7] *European Commission and others v. Kadi*, Judgement on the Appeal against the Judgment of the General Court (Seventh Chamber) of 30 September 2010 (*Yassin Abdullah Kadi v. European Commission*, T-85/09), case C-584/10 P (joined cases C-584/10 P, C-593/10 P and C-595/10 P) of the European Court of Justice (Grand Chamber) of 18 July 2013.

V. Future work

27. The priorities of the Ombudsperson remain consistent. The paramount activity will continue to be related to the delisting requests. While it is difficult to anticipate the future caseload with any certainty, on the basis of recent patterns of activity it is reasonable to assume that the Office of the Ombudsperson will receive approximately five requests in the next six-month period and that nine cases will be active at the end of the next reporting period. The second matter of priority will continue to be the development of arrangements or agreements for access to classified or confidential information (no such arrangements or agreements were reached during the reporting period). The Ombudsperson will continue to carry out outreach and liaison activities to the extent that resources permit.

VI. Observations and conclusions

Independent mechanism

28. The Office of the Ombudsperson has been operational for three years. It is fair to say that with respect to the Al-Qaida sanctions regime there is a functioning independent mechanism that provides recourse to listed persons and entities and that operates in a manner that is fully consistent with the fundamental principles of a fair process, as detailed below. The regime is subject to strict timelines and, as a result, the cases are dealt with efficiently and there is no backlog. Information gathered in each case is assessed consistently to a known and defined standard, which is based on principles drawn from different legal traditions. As such, the test applied by the Ombudsperson is appropriate to this unique international context and is not premised on any single national or regional legal system or tradition.

29. Efforts have been made to disseminate information about the Office and to ensure that the application process is simple and easily accessible. Almost half of the applications are brought forward by individuals without legal counsel and steps are taken by the Ombudsperson to ensure that no petitioner is prejudiced because he or she does not have legal representation.

30. As indicated, there is already a firmly established practice of State cooperation with the Office of the Ombudsperson that encompasses all of the key States pertinent to any delisting petition, including designating States and States of residence. While significant challenges remain in terms of enhancing access to confidential or classified information, the limited and focused nature of the mandate of the Office of the Ombudsperson makes the Office well suited on a practical level to the sharing of such material. This is demonstrated by the fact that several States have already entered into agreements or arrangements with the Office and, most significantly, that confidential information has been provided in some instances. Furthermore, the structure and procedures of the Office make it possible to accord strong protections to any information that is shared and to restrict access to the information to the Ombudsperson only.

31. It is evident from the total number of petitions submitted to date (49) and the number of new requests received during the reporting period (13), that the availability of the mechanism is increasingly becoming known and that there is respect for the credibility of the process. From discussions with States and petitioners, it appears that the website has been an essential means for distributing

relevant information about the process, along with material and advice that States have been providing to listed individuals and entities. Furthermore, the pattern of cases in some instances suggests that information is also being communicated through word of mouth. Some cases, in particular those in which the petitioners are represented by counsel, have illustrated the importance of having the Ombudsperson carry out public advocacy with regard to the Office to enhance awareness.

Fair process

32. The practice during the reporting period shows that the Ombudsperson process operates in compliance with the fundamental principles of fairness. With one exception, detailed below, in all of the cases completed since the previous report the petitioner was informed of the case underlying the listing. Moreover, in all instances the petitioner had an opportunity to respond to the disclosed case and to be heard by the decision maker through the comprehensive report. The underlying information related to each listing was objectively reviewed and assessed and all the decisions made during the reporting period followed the recommendation of the Ombudsperson. As a result, each petitioner benefited from an effective, independent review of the basis for the listing and the information supporting the same and all decisions taken were consistent with the conclusions reached by the independent reviewer. In no case did the Committee take a decision by consensus that was contrary to the recommendation of the Ombudsperson and no matter was referred to the Security Council. In the case in which the request for delisting was refused, detailed reasons were provided by the Committee and transmitted to the petitioner by the Ombudsperson in accordance with Council resolution 2083 (2012).

33. As noted, on one occasion there were problems with the communication of the case to the petitioner. The difficulties stemmed from the fact that information continued to be gathered well into the dialogue phase and that some of it was obtained at such a late stage that it could not be disclosed to the petitioner before completion of the comprehensive report. The case in question was a very complex one and the regrettable delays in the submission of information were attributable to the intricacy and denseness of the issues and to the challenges faced in gathering material. As a result of those delays, the petitioner was prejudiced as he did not see or have an opportunity to respond to all the relevant material. Moreover, because of the piecemeal way in which the information was communicated, he was not able to submit a comprehensive response to the case as a whole.

34. In that particular case, the decision was taken to retain the listing; detailed reasons for that determination were transmitted to the petitioner by the Ombudsperson. In addition, to address the fair process concerns, the Ombudsperson sent the petitioner a summary of the information gathered in the case that was as detailed as possible. New information not previously communicated was highlighted in the document. In her communication, the Ombudsperson outlined the concerns about the process to the petitioner. In addition, the petitioner was invited to consider the full summary and to submit any comments he might wish to make on the material, in particular with reference to any additional information not previously communicated. Should he choose to do so, his response will be assessed by the Ombudsperson with a view to deciding whether it meets the threshold for a new petition.

35. While this obviously is not ideal, the Ombudsperson is satisfied that this additional step accords the petitioner with an appropriate recourse for the fair process deficiencies in this particular instance. On this basis, it remains the case that during the reporting period the Ombudsperson process continued to deliver, in the individual cases, a process that was fair overall.

Reasons for decision

36. Security Council resolution 2083 (2012) included a requirement for reasons to be given for the decisions of the Committee to grant a delisting petition. This solidified the practice of the Committee.

37. The Ombudsperson has consistently highlighted the importance of providing reasons for all decisions on delisting petitions regardless of the outcome. As a result, the decision of the Security Council to extend the mandate and require that reasons be given, also in the case of delisting, was a very welcome development.

38. Unfortunately, the incorporation of that requirement in resolution 2083 (2012) has yet to ameliorate the situation with regard to the significant delays that occur between the rendering of a decision to delist and the delivery of the reasons for that decision by the Committee. In fact, the problem has been particularly serious during the reporting period. Reasons for a decision have yet to be communicated in seven cases, including in instances where the decisions were taken months ago. In a process that is otherwise subject to restrictive time limits, the delay in the provision of reasons is highly noticeable. While delivering reasons, even at a later stage, remains beneficial for the fairness of the process, such delays obviously reduce the effectiveness of such a practice in demonstrating the transparency and reasonableness of the process.

39. Given the structure and context of the Ombudsperson mechanism and the interaction between and roles of the Committee and the Ombudsperson, it is understandable that preparing the reasons for delisting can be a complex and challenging process. However, in the interest of fairness and transparency, consideration needs to be given to ways of improving the process, including by enhancing the role of the Ombudsperson in facilitating the delivery of reasons.

40. In addition, a significant concern with regard to fairness has been identified with regard to the provision of reasons for refusing a request for delisting through the Ombudsperson process. That concern arises from the fact that the recommendation of the Ombudsperson to retain the listing, once reported and discussed with the Committee, ends the consideration of that specific delisting petition.[8] In those circumstances, evidently the assessment of the Ombudsperson forms the basis for the retention of the listing and, as a result, fairness requires that the reasons given to the petitioner be reflective of the analysis and conclusions of the independent mechanism.

41. At present, however, the process mandates that reasons for the decision be provided by the Committee, not the Ombudsperson. As a result, there exists the potential for a discrepancy between the comprehensive report of the Ombudsperson and the reasons given by the Committee. The existence of such a discrepancy could

[8] It does not preclude the Committee from reaching a different determination through a subsequent delisting petition presented by a State (see Security Council resolution 2083 (2012), para. 20, and para. 12 of annex II).

significantly undermine the fairness of the process and its consistency with fundamental principles in that regard. To date, in the two instances[9] where delisting has been refused, the process has been a fair one in that the reasons given have been consistent with the conclusions of the Ombudsperson. Nonetheless, this situation remains of concern, as it could result in an unfair process in the future.

42. Consideration should be given to making the process for the delivery of reasons consistent with the means by which a decision on refusal is taken. Specifically, this could be done by making the Ombudsperson responsible for providing the reasons.

Disclosure of the identity of the designating State

43. In paragraph 12 of its resolution 2083 (2012), the Security Council decided that Member States should specify if the Committee or the Ombudsperson may not make known the State's status as a designating State. The Ombudsperson may therefore disclose the identity of the designating State absent a specific objection by that State.

44. The practice to date has underscored the importance of this revision. While some States have notified the Ombudsperson of objections to disclosure, none of them have been implicated as designating States in the cases dealt with in the reporting period since resolution 2083 (2012) was adopted on 17 December 2012. As a result, it has been possible to disclose the identity of the designating State in all cases, an important step forward in terms of ensuring the fairness of the process. In the case of those States that have objected, the Ombudsperson has said she intends to raise the issue again should a specific case arise, to give the relevant State an opportunity to consider whether or not to maintain its general objection with reference to that specific case.

Cooperation of States and specificity of information

45. State cooperation in terms of responses has continued to be strong during the reporting period. All designating States and States of residence have replied in the cases completed since the previous report. In fact, only one State failed to respond to a request for information. While the information that the State could have provided might have been quite relevant to the factual assessment, that State was not among those mandated by the resolution to receive requests for information.

46. Overall, however, there was improvement in the general timeliness of responses, with very few instances of late submission of information. This has had an impact on the overall efficiency of the process, reducing the number of instances in which the information-gathering phase needed to be extended.

47. While these were all encouraging trends, one significant hurdle to effective State cooperation remains: the Ombudsperson continues to receive responses in the form of assertions but not the supporting information or the level of detail necessary to assess the sufficiency, reasonableness and credibility of the underlying information. This failing undermines the effectiveness of the overall process, including the meaningfulness of the dialogue with the petitioner and the ability to

[9] This refers only to cases in which delisting requests were refused after 17 June 2011, the date of adoption of Security Council resolution 1989 (2011), in which the Council decided that the Ombudsperson should present to the Committee a recommendation on the delisting requests.

conduct a thorough analysis of the underlying information. Moreover, this trend is very worrying in terms of the ability of the Ombudsperson to prepare a comprehensive report that properly reflects the facts of the case and to provide, in all circumstances, an appropriate recommendation.

48. The major impediment to the disclosure of detailed information remains the question of confidential or classified material. While some confidential material was used during the reporting period,[10] no progress was made in terms of increasing the number of arrangements or agreements for accessing such material. While discussions are ongoing with several States, the significant number of new delisting requests received during the reporting period means that the time and resources available to follow up on these agreements with individual States are limited.

49. In sum, the lack of detailed information and substantiation remains the most critical problem in the Ombudsperson process. Progress on this issue is only possible if practical solutions can be found to overcoming the access restrictions, especially with States that are frequently implicated in specific cases.

Transparency of the process

50. Problems with the lack of transparency in the process have continued to be evident during the reporting period. Security Council resolution 2083 (2012) allows for the Ombudsperson to communicate her recommendation to States that are not members of the Committee. The comprehensive report, however, remains confidential to the Committee; relevant States that are not members of the Committee are not aware of the information gathered, the analysis conducted or the basis for the recommendation made. This limitation not only weakens the transparency and credibility of the process, it also has the potential to have a negative impact on the cooperative relationship between the Ombudsperson and these States. To minimize the damage in that regard, in some instances the Ombudsperson has sought the consent of the Committee to disclose some factual information about the case and to discuss the outcome with the relevant States. Such requests have been granted. Nonetheless, the discussion is still limited by the confidential nature of the overall process. As to the extent of the problem, it is notable that every case during the reporting period involved a non-Committee member as either a designating State or a State of residence.

51. The confidentiality restrictions with reference to States also create a fundamental inequality in terms of access to information between States that objectively have an equal interest in knowing and understanding the basis for the recommendation of the Ombudsperson and the decision taken in the case. In sum, it is not clear why membership in the Committee, whether temporary or permanent, should allow one designating State or State of residence to have more information on a case than another.

52. With reference to the petitioner, as detailed in the previous report, the process remains frustrating in its lack of transparency. The recommendation of the Ombudsperson cannot be disclosed and the petitioner is not advised as to the analysis leading to the same, except to the extent that it is captured in any reasons

[10] Where this occurred, the information that was kept confidential, though relevant, was not of such a nature as to preclude the disclosure of the substance of the case to the petitioner(s). The fact that some confidential information had been obtained was made known to the petitioner(s).

provided. As for the public — including interested bodies such as courts and academia — only basic information on the overall process and the statistics related to the cases are disclosed. The lack of transparency in the process for the petitioner and the general public detracts from the fairness and credibility of the process as a whole.

Mandate for the follow-up of delisting

53. Individuals and entities continue to inform the Ombudsperson of problems encountered in terms of continued restrictions following their delisting by the Committee.

54. During the reporting period, four former petitioners complained of circumstances that might have involved the continued application of sanctions measures despite the Committee's decision that such measures be lifted. In some cases, the same individual faced multiple problems with different States. All four cases were sufficiently detailed to merit specific follow-up. Most of the complaints related to travel restrictions and one involved a question of access to assets.

55. This issue has been the subject of comment in all of the reports of the Ombudsperson to the Security Council since the Office started its operations. The principles of fairness implicated are obvious and significant. In each situation, fundamental rights — to property and to movement — are being restricted, and there is a good possibility that this is due to the improper continuation of Council sanctions measures. It may well be that the complaints are not factually supported or that the measures being imposed flow from domestic law. However, this can be determined only in the presence of a proper mechanism through which the facts can be examined. Under the current structure, no such mechanism exists, and the individuals and entities are left with limited recourse, if any. These situations, if verified to be correct, represent a general problem in terms of the implementation of the Committee's decisions and have the potential to impede the credibility and effectiveness of the Al-Qaida sanctions regime. For these reasons and those expressed in the previous reports of the Ombudsperson (see S/2013/71, paras. 48 and 49; S/2012/590, para. 46; S/2012/49, para. 50; and S/2011/447, para. 47), consideration should be given to mandating the Office of the Ombudsperson with following up on claims of continued application of sanction measures despite delisting.

Translation

56. As discussed in previous reports (see S/2013/71, para. 50; S/2012/590, para. 50; and S/2012/49, paras. 55 and 56), the general guidelines concerning word limits for translation applicable to parliamentary documents in the United Nations system are being applied to the comprehensive reports of the Ombudsperson. Significant problems were encountered once more during the reporting period in a case in which the limits were exceeded because of the nature and complexity of the report. While a waiver was ultimately obtained for that case, attempts to obtain a general exemption from the word limits for the reports of the Ombudsperson were ultimately unsuccessful. As a result, an individual request for an exemption has to be sought in each case and is subject to the discretion of relevant officials within the Secretariat. Given that translation is a prerequisite for consideration of the

comprehensive report, evidently this arrangement poses a serious and direct threat to the independence of the Ombudsperson.

Conclusions

57. There has been a noticeable increase in the workload of the Office of the Ombudsperson during the reporting period; 17 cases were active as at the time of preparing the present report. As discussed, the fact that listed persons and entities continue to avail themselves of the Ombudsperson process is a testament to the functionality and credibility of the procedure. State cooperation, which is central to the effectiveness of the mandate, has remained strong and demonstrates an equal confidence on the part of States. Most significantly, the Ombudsperson mechanism continues to provide a fair and independent process for the consideration of delisting petitions and the presentation of recommendations on the same to the Committee. The mechanisms in place give significant weight to those recommendations and, during the reporting period, as during previous reporting periods, the recommendations of the Ombudsperson have been followed.

58. Nonetheless, as detailed in the present report, challenges to the process as a whole remain, especially in terms of transparency. The problem is particularly acute for relevant States that are not members of the Committee and for the petitioner. Some concerns have also arisen with regard to the process for the delivery of reasons for which consideration is needed to find an appropriate solution. Lack of details and substantiation in State responses also continues to be a worrisome limitation to an otherwise effective process.

59. In sum however, even with these outstanding issues, it is clear that the process of the Office of the Ombudsperson continues to provide a fair recourse for listed individuals and entities that in turn contributes to the effectiveness of the Al-Qaida sanctions regime of the Security Council.

Annex

Status of cases

Case 1, one individual (Status: denied)

Date	*Description*
28 July 2010	Transmission of case 1 to the Committee
28 February 2011	Comprehensive report submitted to the Committee
10 May 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 June 2011	Committee decision
1 September 2011	Formal notification to petitioner with reasons

Case 2, Safet Ekrem Durguti (Status: delisted)

Date	*Description*
30 September 2010	Transmission of case 2 to the Committee
26 April 2011	Comprehensive report submitted to the Committee
31 May 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 June 2011	Committee decision to delist
12 August 2011	Formal notification to petitioner with reasons

Case 3, one entity (Status: delisting request withdrawn by petitioner)

Date	*Description*
3 November 2010	Transmission of case 3 to the Committee
14 June 2011.	Comprehensive report submitted to the Committee
26 July 2011	Presentation of comprehensive report by the Ombudsperson to the Committee
2 August 2011	Withdrawal of petition

Case 4, Shafiq Ben Mohamed Ben Mohammed Al Ayadi (Status: delisted)

Date	*Description*
6 December 2010	Transmission of case 4 to the Committee
29 June 2011	Comprehensive report submitted to the Committee
26 July 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
17 October 2011	Committee decision to delist
8 November 2011	Formal notification to petitioner with reasons

Case 5, Tarek Ben Al-Bechir Ben Amara Al-Charaabi (Status: delisted)

Date	*Description*
30 December 2010	Transmission of case 5 to the Committee
26 April 2011	Comprehensive report submitted to the Committee
31 May 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 June 2011	Committee decision to delist
12 August 2011	Formal notification to petitioner with reasons

Case 6, Abdul Latif Saleh (Status: delisted)

Date	*Description*
14 January 2011	Transmission of case 6 to the Committee
17 June 2011	Comprehensive report submitted to the Committee
26 July 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
19 August 2011	Committee decision to delist
8 November 2011	Formal notification to petitioner with reasons

Case 7, Abu Sufian Al-Salamabi Muhammed Ahmed Abd Al-Razziq (Status: delisted)

Date	*Description*
28 January 2011	Transmission of case 7 to the Committee
23 September 2011	Comprehensive report submitted to the Committee
15 November 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 November 2011	Committee decision to delist
13 February 2012	Formal notification to petitioner with reasons

Case 8, Ahmed Ali Nur Jim'ale and 23 entities[a] (Status: delisted)

Date	*Description*
17 March 2011	Transmission of case 8 to the Committee
23 September 2011	Comprehensive report submitted to the Committee
13 December 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
27 December 2011	Committee decision to delist six entities
21 February 2012	Committee decision to delist one individual and 17 entities
8 June 2012	Formal notification to petitioner with reasons

[a] Barakaat North America, Inc., Barakat Computer Consulting, Barakat Consulting Group, Barakat Global Telephone Company, Barakat Post Express, Barakat Refreshment Company, Al Baraka Exchange, LLC, Barakaat Telecommunications Co. Somalia, Ltd., Barakaat Bank of Somalia, Barako Trading Company, LLC, Al-Barakaat, Al-Barakaat Bank, Al-Barakaat Bank of Somalia, Al-Barakat Finance Group, Al-Barakat Financial Holding Co., Al-Barakat Global Telecommunications, Al-Barakat Group of Companies Somalia Limited, Al-Barakat International, Al-Barakat Investments, Barakaat Group of Companies, Barakaat Red Sea Telecommunications, Barakat International Companies and Barakat Telecommunications Company Limited.

Case 9, Saad Rashed Mohammed Al-Faqih and Movement for Reform in Arabia (Status: delisted)

Date	*Description*
19 April 2011	Transmission of case 9 to the Committee
21 February 2012	Comprehensive report submitted to the Committee
17 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
1 July 2012	Committee decision to delist
13 November 2012	Formal notification to petitioner with reasons

Case 10, Ibrahim Abdul Salam Mohamed Boyasseer (Status: delisted)

Date	*Description*
6 May 2011	Transmission of case 10 to the Committee
9 January 2012	Comprehensive report submitted to the Committee
1 March 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
8 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 11, Mondher ben Mohsen ben Ali al-Baazaoui (Status: delisted)

Date	*Description*
1 June 2011	Transmission of case 11 to the Committee
19 January 2012	Comprehensive report submitted to the Committee
1 March 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 March 2012	Committee decision to delist
10 July 2012	Formal notification to petitioner with reasons

Case 12, Kamal ben Mohamed ben Ahmed Darraji (Status: delisted)

Date	*Description*
30 June 2011	Transmission of case 12 to the Committee
28 February 2012	Comprehensive report submitted to the Committee
3 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
4 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 13, Fondation Secours Mondial (Status: amended[b])

Date	*Description*
7 July 2011	Transmission of case 13 to the Committee
14 December 2011	Comprehensive report submitted to the Committee
24 January 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
17 February 2012	Committee decision to amend
9 July 2012	Formal notification to petitioner with reasons

[b] Amended to be removed as an alias of Global Relief Foundation (QE.G.91.02.).

Case 14, Sa'd Abdullah Hussein al-Sharif (Status: delisted)

Date	*Description*
20 July 2011	Transmission of case 14 to the Committee
29 February 2012	Comprehensive report submitted to the Committee
3 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
27 April 2012	Committee decision to delist
5 June 2012	Formal notification to petitioner with reasons

Case 15, Fethi ben al-Rebei Absha Mnasri (Status: delisted)

Date	*Description*
4 August 2011	Transmission of case 15 to the Committee
9 March 2012	Comprehensive report submitted to the Committee
17 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 16, Mounir Ben Habib Ben al-Taher Jarraya (Status: delisted)

Date	*Description*
15 August 2011	Transmission of case 16 to the Committee
9 March 2012	Comprehensive report submitted to the Committee
17 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 17, Rachid Fettar (Status: delisted)

Date	*Description*
26 September 2011	Transmission of case 17 to the Committee
27 April 2012	Comprehensive report submitted to the Committee
5 June 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 June 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 18, Ali Mohamed El Heit (Status: delisted)

Date	*Description*
5 October 2011	Transmission of case 18 to the Committee
2 May 2012	Comprehensive report submitted to the Committee
3 July 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
19 July 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 19, Yasin Abdullah Ezzedine Qadi (Status: delisted)

Date	*Description*
16 November 2011	Transmission of case 19 to the Committee
11 July 2012	Comprehensive report submitted to the Committee
10 September 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
5 October 2012	Committee decision to delist

Case 20, Chabaane ben Mohamed ben Mohamed al-Trabelsi (Status: delisted)

Date	*Description*
21 November 2011	Transmission of case 20 to the Committee
23 April 2012	Comprehensive report submitted to the Committee
5 June 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 June 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 21, Adel Abdul Jalil Ibrahim Batterjee (Status: delisted)

Date	*Description*
3 January 2012	Transmission of case 21 to the Committee
10 October 2012	Comprehensive report submitted to the Committee
6 November 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee

Date	*Description*
14 January 2013	Committee decision to delist

Case 22, Ibrahim ben Hedhili ben Mohamed al-Hamami (Status: delisted)

Date	*Description*
6 February 2012	Transmission of case 22 to the Committee
25 September 2012	Comprehensive report submitted to the Committee
6 November 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
21 November 2012	Committee decision to delist
7 February 2013	Formal notification to petitioner with reasons

Case 23, Suliman Hamd Suleiman Al-Buthe (Status: delisted) (Repeated request)

Date	*Description*
23 February 2012	Transmission of case 23 to the Committee
30 August 2012	Comprehensive report submitted to the Committee
27 November 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
10 February 2013	Committee decision to delist

Case 24, Mamoun Darkazanli (Status: delisted)

Date	*Description*
28 February 2012	Transmission of case 24 to the Committee
12 November 2012	Comprehensive report submitted to the Committee
8 January 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
11 March 2013	Committee decision to delist

Case 25, Abdullahi Hussein Kahie (Status: delisted)

Date	*Description*
28 February 2012	Transmission of case 25 to the Committee
26 July 2012	Comprehensive report submitted to the Committee
10 September 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
26 September 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 26, Usama Muhammed Awad Bin Laden (Status: delisted)
Ombudsperson case became moot following the Committee's decision of 21 February 2013

Date	*Description*
23 April 2012	Transmission of case 26 to the Committee
15 February 2013	Comprehensive report submitted to the Committee
21 February 2013	Committee decision to delist

Case 27, one individual (Status: denied)

Date	*Description*
7 May 2012	Transmission of case 27 to the Committee
11 February 2013	Comprehensive report submitted to the Committee
7 May 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
7 May 2013	Committee decision to retain listing
12 June 2013	Formal notification to petitioner with reasons

Case 28, one individual (Status: denied)

Date	*Description*
7 June 2012	Transmission of case 28 to the Committee
20 November 2012	Comprehensive report submitted to the Committee
8 January 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
8 January 2013	Committee decision to retain listing
29 January 2013	Formal notification to petitioner with reasons

Case 29, Muhammad 'Abdallah Salih Sughayr (Status: delisted)

Date	*Description*
25 July 2012	Transmission of case 29 to the Committee
9 April 2013	Comprehensive report submitted to the Committee
21 May 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 July 2013	Committee decision to delist

Case 30, one entity (Status: Committee phase)

Date	*Description*
25 July 2012	Transmission of case 30 to the Committee
15 April 2013	Comprehensive report submitted to the Committee
2 July 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee

Case 31, Abd al Hamid Sulaiman Muhammed al-Mujil (Status: delisted)

Date	*Description*
1 August 2012	Transmission of case 31 to the Committee
13 March 2013	Comprehensive report submitted to the Committee
30 April 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 June 2013	Committee decision to delist

Case 32, Mohamed ben Mohamed ben Khalifa Abdelhedi (Status: delisted)

Date	*Description*
19 September 2012	Transmission of case 32 to the Committee
5 March 2013	Comprel nsive report submitted to the Committee
16 April 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
1 May 2013	Committee decision to delist

Case 33, one individual (Status: Committee phase)

Date	*Description*
12 October 2012	Transmission of case 33 to the Committee
28 May 2013	Comprehensive report submitted to the Committee
30 July 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee

Case 34, Abdelghani Mzoudi (Status: delisted)
Ombudsperson case became moot following the Committee's decision of 18 March 2013

Date	*Description*
8 November 2012	Transmission of case 34 to the Committee
18 March 2013	Committee decision to delist

Case 35, one entity (Status: dialogue phase)

Date	*Description*
13 December 2012	Transmission of case 35 to the Committee
10 September 2013	Deadline for the completion of the dialogue phase

Case 36, one entity (Status: dialogue phase)

Date	*Description*
13 December 2012	Transmission of case 36 to the Committee
10 September 2013	Deadline for completion of the dialogue phase

Case 37, one individual (Status: dialogue phase)

Date	*Description*
4 February 2013	Transmission of case 37 to the Committee
5 August 2013	Deadline for completion of the dialogue phase

Case 38, one individual (Status: dialogue phase)

Date	*Description*
13 February 2013	Transmission of case 38 to the Committee
13 August 2013	Deadline for completion of the dialogue phase

Case 39, one individual (Status: dialogue phase)

Date	*Description*
13 February 2013	Transmission of case 39 to the Committee
13 August 2013	Deadline for completion of the dialogue phase

Case 40, one individual (Status: information-gathering phase)

Date	*Description*
4 March 2013	Transmission of case 40 to the Committee
6 August 2013	Deadline for completion of the information-gathering phase

Case 41, one individual (Status: dialogue phase)

Date	*Description*
12 March 2013	Transmission of case 40 to the Committee
12 September 2013	Deadline for completion of the dialogue phase

Case 42, one individual (Status: information-gathering phase)

Date	*Description*
4 March 2013	Transmission of case 42 to the Committee
30 August 2013	Deadline for completion of the information-gathering phase

Case 43, one individual (Status: dialogue phase)

Date	*Description*
27 March 2013	Transmission of case 40 to the Committee
30 September 2013	Deadline for completion of the dialogue phase

Case 44, one individual (Status: information-gathering phase)

Date	*Description*
2 May 2013	Transmission of case 44 to the Committee
2 September 2013	Deadline for completion of the information-gathering phase

Case 45, one individual (Status: information-gathering phase)

Date	*Description*
6 May 2013	Transmission of case 45 to the Committee
6 September 2013	Deadline for completion of the information-gathering phase

Case 46, one individual (Status: information-gathering phase)

Date	*Description*
10 May 2013	Transmission of case 46 to the Committee
10 September 2013	Deadline for completion of the information-gathering phase

Case 47, one individual (Status: information-gathering phase)

Date	*Description*
3 June 2013	Transmission of case 47 to the Committee
2 October 2013	Deadline for completion of the information-gathering phase

Case 48, one individual (Status: information-gathering phase)

Date	*Description*
17 June 2013	Transmission of case 48 to the Committee
17 October 2013	Deadline for completion of the information-gathering phase

Case 49, one individual (Status: information-gathering phase)

Date	*Description*
24 June 2013	Transmission of case 40 to the Committee
24 October 2013	Deadline for completion of the information-gathering phase

United Nations S/2013/454

Security Council

Distr.: General
31 July 2013

Original: English

Letter dated 23 July 2013 from the Permanent Representatives of Gabon and Germany to the United Nations addressed to the President of the Security Council

On 20 June 2013, the Permanent Mission of Germany to the United Nations in New York, together with the Permanent Mission of Gabon and the International Peace Institute (IPI), hosted a panel discussion on the theme "Poaching as a threat to international peace and security: options for the United Nations". A meeting brief was prepared by IPI (see annex).

Poaching and the illicit trade in wildlife are increasing at alarming rates. Germany and Gabon are particularly concerned about this development, as poaching not only poses a threat to global biodiversity but also fuels regional conflicts and contributes to instability. Rebel groups benefiting from poaching, such as the Lord's Resistance Army in the Great Lakes region in Africa, commit serious human rights violations. As various reports by the Secretary-General and the expert groups of different Security Council sanctions committees have stressed, poaching and the illicit trade in wildlife are often linked to armed groups, organized crime and the illegal arms trade and, as such, can pose a threat to the maintenance of international peace and security.

It is against this backdrop that Germany and Gabon initiated the meeting on 20 June. Our aim was to raise awareness of the growing issue of poaching and to explore options for the United Nations, including the Security Council, to address this challenge. The discussion showed that, besides various options at the bilateral level and at the level of the General Assembly, the Security Council has at its disposal various options and tools that can help it to tackle the issue of poaching, without encroaching on the competence of other United Nations organs.

For example, the Council could, where appropriate, declare the illegal ivory trade and poaching a threat to international peace and security. It could expand the criteria of sanctions regimes and be prepared to impose targeted sanctions on those involved in poaching and the illicit ivory and wildlife trade to the benefit of armed groups in cases where these are subject to a United Nations arms embargo. As in other sanctions regimes, the listing of individuals for targeted measures would also have an important public effect.

Furthermore, the Council could encourage States, particularly in Central and East Africa, to strengthen cooperation with regard to investigating and prosecuting criminal networks and armed groups involved in poaching and the illicit trade in ivory and other wildlife products. In addition, the Council could make explicit reference

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to the ivory trade when reiterating existing sanctions criteria that relate to the illicit trade in natural resources, as in the case of the Democratic Republic of the Congo. Such stronger emphasis by the Security Council on, inter alia, the ivory trade could help to strengthen related reporting by the expert groups of its sanctions committees.

Lastly, United Nations peacekeeping missions could play a more active role in addressing poaching and the illicit trade in wildlife. Relevant missions could be mandated to expand their support to actors fighting poaching, such as wildlife organizations and park administrations. The peacekeeping missions could provide these groups with support, including logistics, intelligence and training, as well as sharing of information and best practices.

In the light of the variety of options and tools at the Council's disposal, we recommend a multidimensional approach that comprises action at the level of sanctions as well as at the level of the mandates of the relevant peacekeeping missions.

We should be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Nelson **Messone**
Ambassador
Permanent Representative of Gabon

(*Signed*) Hans Peter **Wittig**
Ambassador
Permanent Representative of Germany

Annex to the letter dated 23 July 2013 from the Permanent Representatives of Gabon and Germany to the United Nations addressed to the President of the Security Council

Poaching as a threat to international peace and security: options for the United Nations

Meeting brief

Poaching is not only an environmental issue. Increasingly, it is becoming a development, gender, health and security issue, which calls for holistic approaches to end the demand for wildlife products and communities' dependence on poaching. This was the key message that emerged from a policy forum organized by the International Peace Institute together with the Permanent Missions of Germany and Gabon to the United Nations on 20 June 2013.

The policy forum addressed a range of issues, from the impact of poaching on the environment, the economy and peace and security to the need for enhanced policy effectiveness. The link between poaching and organized crime, social destabilization and armed conflict was highlighted. Three panellists represented, respectively, the United Nations Group of Experts on the Democratic Republic of the Congo, the African Parks Foundation and the Brookings Institution.

The discussion offered a number of insights into the risks posed by poaching and useful policy recommendations:

- Poaching involves a complex network of actors, including criminal and armed groups like the Lord's Resistance Army in Central Africa. Building on poor governance, corruption and communities' lack of economic opportunities, poaching contributes to social destabilization and poses serious risks to biodiversity. By fuelling conflict, poaching also constitutes a growing threat to international peace and security.

- Poaching is unlikely to be eliminated unless the demand for ivory and other wildlife products is significantly reduced. Constructive dialogue must be part of strategies aimed at changing traditional beliefs in countries where the growing demand for ivory reinforces the economic value of poaching in local communities in Africa.

- Urgent action is also needed at the source. Response options must tackle the root causes of poaching while ensuring communities' involvement and ownership. Equitable sharing of resources from ecotourism projects must provide durable alternatives to poaching as a source of livelihoods and social mobility. Depending on the context, legal trade — if allowed — should be coupled with effective law enforcement.

- The enforcement of existing regulations needs to be strengthened. Law enforcement efforts should target poachers on the ground and sanction complicity between officials and criminal networks. These efforts must also fight corruption and impunity at higher levels of government.

- At the international level, strategies used in the Security Council's sanctions regimes could be extended to poaching. "Naming and shaming" of alleged perpetrators could be applied to armed groups, including the national army of

the Democratic Republic of the Congo, whose involvement in poaching has been established.

- A stronger emphasis by the Security Council on the ivory trade could help to strengthen related investigations by the Group of Experts on the Democratic Republic of the Congo. Moreover, the due diligence guidelines for multinational companies involved in the exploitation of mineral resources could be broadened to include products from poaching and the illicit wildlife trade.

- The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo could provide the Group of Experts with support, including logistics, intelligence and training, as well as sharing of information.

United Nations S/2013/455

Security Council

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31 July 2013

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Letter dated 31 July 2013 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to resolution 827 (1993), by which the Security Council established the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (the "International Tribunal").

In a letter dated 12 June 2013 (S/2013/349), I was informed of the decision by the members of the Security Council that one permanent judge of the International Tribunal should be elected under article 13 *bis*, paragraph 1, of the statute of the International Tribunal, to be immediately assigned and redeployed to the Appeals Chamber.

Article 13 and article 13 *bis* of the Statute of the International Tribunal, as amended, read:

Article 13
Qualifications of judges

The permanent and *ad litem* judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers and sections of the Trial Chambers, due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

Article 13 *bis*
Election of permanent judges

1. Fourteen of the permanent judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the International Tribunal from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set

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out in article 13 of the Statute, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge who is a member of the Appeals Chamber and who was elected or appointed a permanent judge of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994 (hereinafter referred to as "The International Tribunal for Rwanda") in accordance with article 12 *bis* of the Statute of that Tribunal;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twenty-eight and not more than forty-two candidates, taking due account of the adequate representation of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect fourteen permanent judges of the International Tribunal. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

2. In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 13 of the Statute, for the remainder of the term of office concerned.

3. The permanent judges elected in accordance with this article shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Court of Justice. They shall be eligible for re-election.

As stated in the letter dated 12 June 2013, the Security Council requested that I invite States to submit nominations within a period of 30 days. The Council also decided that, from the nominations received, it would establish a list of three candidates or, should there be only two nominations, a list of two candidates, taking into account the adequate representation of the principal legal systems of the world and the nationalities of the current permanent judges of the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda.

Pursuant to paragraph 1 (a) of article 13 *bis* of the Statute of the International Tribunal, and the letter of 12 June 2013 from the President of the Security Council, States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters were invited, by means of a letter dated 17 June 2013, to submit nominations for one permanent judge of the International Tribunal and were informed that, within 30 days of the

date of that letter, they might nominate up to two candidates meeting the qualifications set out in article 13 of the statute.

Pursuant to paragraph 1 (c) of article 13 *bis* of the statute of the International Tribunal, I have the honour herewith to forward to the Security Council the six nominations that I have received from Member States within the 30-day period specified in the letter dated 12 June 2013. The list of candidates, in alphabetical order, together with the curricula vitae, have been provided to me in connection with their nominations.*

I should take this opportunity to note that, pursuant to paragraph 3 of article 13 *bis* of the statute of the International Tribunal, as amended, the permanent judges of the International Tribunal elected in accordance with that article are to serve on a full-time basis and so may not engage in any other occupation of a professional nature during their term of office. Once elected to the International Tribunal, they are expected to take up residence at its seat in The Hague. Further, in accordance with the letter dated 12 June 2013 from the President of the Security Council, the term of office of the judge elected will be the same as the term of office of the judges of the International Tribunal for the former Yugoslavia currently serving in the Appeals Chamber.

(*Signed*) **BAN** Ki-moon

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* The information is on file with the Secretariat and is available for consultation.